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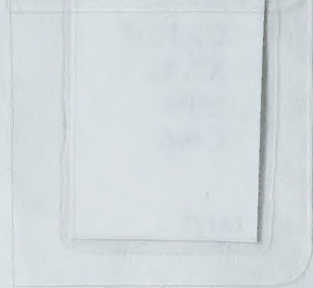
**THE ONTARIO LEGISLATURE:  
AN OVERVIEW**

*Current Issue Paper 105*



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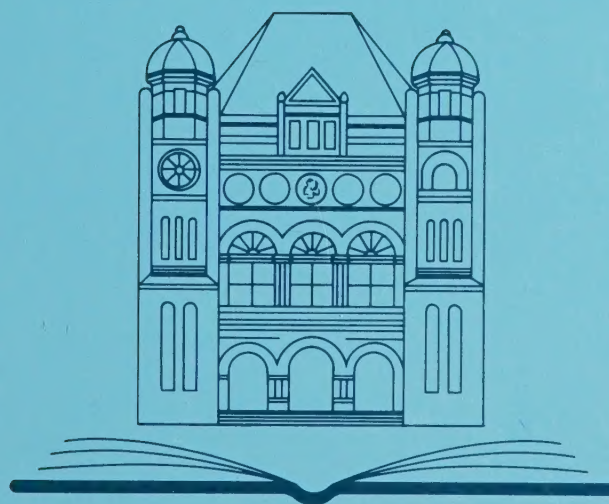
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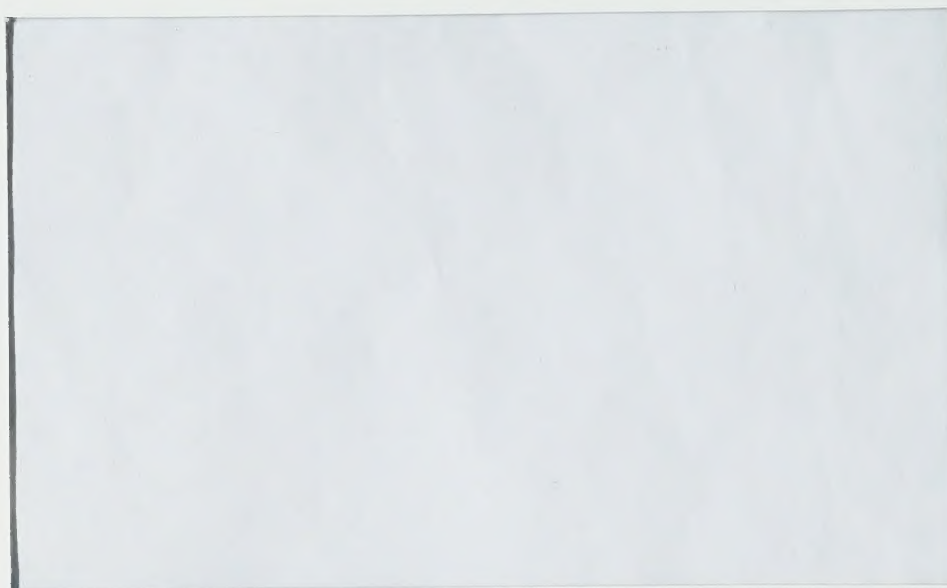
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ISSN 0835-0299

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## TABLE OF CONTENTS

	<u>Page No.</u>
THE ISSUE	1
INTRODUCTION	2
CONSTITUTIONAL AND LEGAL FRAMEWORK	2
Responsible Government in Ontario	4
THE ELECTION OF MEMBERS	6
THE ROLE OF THE LEGISLATURE	8
KEY PLAYERS IN THE ASSEMBLY	10
PARLIAMENTARY PROCEDURE	12
A TYPICAL DAY IN THE LEGISLATURE	14
SOME IMPORTANT LEGISLATIVE PROCEEDINGS	17
The Debate on the Speech from the Throne	17
The Budget Debate	18
Opposition Days	19
HOW BILLS ARE PASSED	19
COMMITTEES OF THE LEGISLATURE	21
PARLIAMENTARY PRIVILEGE	23
THE STRUCTURE AND ORGANIZATION OF THE OFFICE OF THE ASSEMBLY	26
SUPPORT SERVICES FOR MEMBERS	28
FOOTNOTES	31





## THE ISSUE

This paper provides an overview of the Ontario Legislature and the way it works. While the paper will attempt to be comprehensive in describing the operation of the Ontario Legislature, it cannot, for reasons of space, be exhaustive in detail. It aims only to provide the reader with an introduction to the workings of parliamentary democracy in Canada's largest province.<sup>1</sup> It must be emphasized that many of the features of the Legislature described here--such as the procedures for the consideration of financial business--are of recent vintage, or reflect developments arising in the last parliament.

## INTRODUCTION

Politics in the Ontario Legislature, as conducted behind the "ponderous sandstone"<sup>2</sup> of the Legislative Building at Queen's Park, must often strike the casual observer as puzzling, perhaps even mysterious. Dominated by a partisan battle among political parties which often appears to generate more rhetoric than substance, and operating under procedures which can seem arcane and near incomprehensible to the uninitiated, life in an assembly such as the provincial Legislature is a world unto itself. Parliamentary politics can frustrate not only the outsider but also those elected to participate in it who, however impressive their qualifications garnered in other walks of life, fail for some reason to adapt to its own unique rhythms. The following anecdote about the British writer Hilaire Belloc, who served briefly in the British House of Commons, is instructive.

One of the most distinguished men of letters to become a Member of Parliament for a short time at the beginning of this century was Hilaire Belloc. It is said that many years later when he was over 80 years of age a young politician dropped in to see him at the Reform Club. "I have just come from the House," said the young man, perhaps just a shade self-importantly. "God!" said Belloc, "Is that bloody nonsense still going on?"<sup>3</sup>

One wonders who the butt of this story is intended to be--the young man so charmed by the career he has entered that he is in danger of losing touch with ordinary life beyond the walls of the Commons, or Belloc himself, who in his own unspectacular parliamentary career (he resigned to write a diatribe against party politics) failed to experience any of the excitement and colour that most devotees of politics associate with a seat in a democratically elected legislature.

This paper is intended to provide a guide to the complexities of parliamentary government in Canada.

## CONSTITUTIONAL AND LEGAL FRAMEWORK

The constitutional framework of the Province of Ontario is set out in the Constitution Act, 1867 (formerly the British North America Act, 1867).<sup>4</sup> This Act not only established the federal Parliament but also provided the governmental framework for the four original confederating provinces, including Ontario. Section 69 of the Act declared:



There shall be a Legislature for Ontario consisting of the Lieutenant Governor and of One House, styled the Legislative Assembly of Ontario.

Other sections established that the executive power in the province was vested in the Lieutenant Governor acting on the advice of the Executive Council (more commonly called the Cabinet) made up of Ministers of the Crown.<sup>5</sup>

Despite the provinces' constitutional status, some Fathers of Confederation (most notably John A. Macdonald) expected that the provincial role in the new federation would be akin to that of lowly municipalities. It was left to the Judicial Committee of the Privy Council (Canada's highest appeal court until 1949) to establish that the authority of the provincial legislatures was as "plenary and ample"<sup>6</sup> as that of Parliament as long as they were acting within the limits prescribed under the Constitution Act, 1867.<sup>7</sup>

In addition to the Constitution Act, 1867, the other constitutional enactment that bears on the Ontario Legislature is the Charter of Rights and Freedoms contained in the Constitution Act, 1982.<sup>8</sup> Section 52 of the Charter declares that all laws (including provincial laws) inconsistent with its provisions are of no force and effect. However, under section 33, a provincial legislature can expressly declare that a statutory provision shall operate notwithstanding sections two and sections seven to 15 of the Charter (which deal with rights such as the right to freedom of speech and association), though such a declaration will have force for no more than five years. There are other provisions of the Charter that should be noted. A citizen of Canada has the right to vote for a member of a provincial assembly. The Charter stipulates that a provincial legislature can sit for a maximum of five years without a general election. The only exception is in a time of war, invasion or insurrection, when two-thirds of the Members vote for a continuation. Moreover, a legislature is required to sit at least once every 12 months.<sup>9</sup>

Finally, the Constitution Act, 1982 provides that a provincial legislature may exclusively make laws amending the Constitution of the Province, excepting laws affecting the office of the Lieutenant Governor.<sup>10</sup>

In addition to these constitutional provisions, certain statutes passed by the Legislative Assembly itself deal with the fundamental structure of government in the province. Foremost in this regard is the Legislative Assembly Act.<sup>11</sup> This Act sets out who is



qualified to sit as a Member, how the Legislature selects a Speaker, his or her duties and responsibilities, and the specific powers as well as the rights and privileges of the Legislature and its Members. It prescribes how the Members are to be indemnified and under what conditions. The Act creates the Office of the Assembly and its senior officers, establishes the responsibility of the Speaker for the Office, and creates a Board of Internal Economy responsible for the financial and administrative management of the Assembly.

### **Responsible Government in Ontario**

As well as these formal constitutional and statutory instruments, the framework of government in Ontario rests upon constitutional conventions. Conventions are patterns of political behaviour which over time have solidified into universally accepted rules. In Ontario, as in many other Commonwealth countries, the basic conventions of parliamentary government have not been codified by the Legislature. Guidance in interpreting constitutional conventions must be sought in the study of precedents built up over the years based on political practice, the works of scholars and the decisions of the courts.<sup>12</sup>

In the British parliamentary tradition, the most important constitutional convention is the principle known as responsible government.<sup>13</sup> In a system of responsible government (or cabinet or parliamentary government, as it may also be called) the formal head of state, whether it be the Queen, the Governor General or (in the case of Ontario) the Lieutenant Governor, must always act under the advice of ministers who are members of the legislative branch and who enjoy the confidence of a majority in the elected house of the legislative branch. The effect of responsible government therefore is to transfer effective political power from the Crown to elected officials. In the case of Ontario, the government is conducted by the Premier and his or her cabinet, who compose the Executive Council.

Because the Premier and his or her ministers are in office solely because they have the support of a majority in the Legislative Assembly, it is important that they all be Members of the Assembly. Occasionally a person who is not a Member is appointed as a minister, but the conventions of responsible government dictate that he or she must quickly be elected to the Legislature. If he or she fails to win election, then he or she must resign (or be dismissed) from the ministry.



Under responsible government there is no formal separation of powers between the executive and legislative branches of government. The head of the executive branch, the cabinet, draws its personnel and its power to govern from the legislative branch. Government is not conducted by the Legislature, but the cabinet must direct the government through the Legislature and under its continual oversight. Without the consent of the Legislature no revenue can be drawn from the Consolidated Revenue Fund by the executive for any expenditure on any purpose, nor can any taxes be imposed. Members of the Legislature daily examine and scrutinize the performance of the cabinet through such means as Question Period, debates on the floor of the Assembly, and in committee.

Since the major premise of responsible government is that the cabinet enjoys the confidence of a majority in the Legislature, it follows that a cabinet which has lost that confidence cannot indefinitely remain in office. The Legislature formally passing a motion of no confidence in the government is the clearest possible sign that the government has lost the confidence of the Legislature; but the defeat of the government on any vote it deems crucial is usually regarded as a withdrawal of confidence.

When the Legislature is deemed to have withdrawn its confidence, there are only two alternatives: either the government must resign to make way for a new cabinet which can command the confidence of the Legislature, or the Legislature must be dissolved to allow for an election.

Under responsible government, each administrative department is headed by a minister, who represents that department in the Legislature. Each minister is aided by a parliamentary assistant who shares with the minister the responsibility of explaining and defending the department's policies and practices. However, normally it is the minister who will introduce any bills which relate to that department into the Legislature.

Government departments are administered by civil servants, who operate under the convention or principle of political neutrality. The basic elements of this convention are as follows:

- ministers make policy decisions, which civil servants execute;

- civil servants are appointed and promoted on the basis of merit, not their partisan political views;
- civil servants do not engage in partisan political activities;
- civil servants do not publicly express their personal political views;
- civil servants provide advice to ministers in private, and in return ministers accept all public responsibility for government decisions; and
- civil servants are loyal to the government of the day regardless of whether they agree personally with its policies.

It is widely recognized that the responsibilities and complexity of modern government are so enormous that top permanent officials, experts in their respective fields, inevitably play a substantial role in the development as well as execution of public policy. Nevertheless, while civil servants in contemporary parliamentary democracies such as Ontario do wield influence over the formation of policy, they remain subject to the overriding authority of the elected legislature and the cabinet.

### **THE ELECTION OF MEMBERS**

Members of the Ontario Legislature claim a seat in the Assembly by winning the election in one of the 130 constituencies (formally known as electoral districts) represented in the Assembly. The number of constituencies and their boundaries are set out in the Representation Act, 1986.<sup>14</sup> Approximately every ten years an independent commission, called the Electoral Boundaries Commission, is established to make recommendations to the Ontario Legislature with respect to the number of seats that should be added to the House and how the boundaries of the electoral districts should be adjusted, taking into account demographic and other changes that have taken place since the last adjustment was made.

There are three main parties in Ontario: the Liberal Party, the New Democratic Party, and the Progressive Conservative Party. In addition, there are five other registered parties. Under the Election Finances Act, 1986,<sup>15</sup> political parties in Ontario that intend to engage actively in politics must be registered with the Commission on Election Finances, an independent body reporting to the Assembly through the Speaker. The parties' constituency associations and every candidate seeking election must be registered with the Commission.



The principal function of the Commission is to enforce the limitations set by the Act on contributions made by private individuals and groups to political parties and their candidates, and at the same time, to enforce the limitations on what political parties, constituency associations, and candidates can spend on election campaigns. The objective of the Act is to ensure that elections in Ontario are conducted equitably.

The aspiring candidate for a seat in the Assembly will seek the endorsement of a political party, usually one of the three principal parties, which together have won all the seats in the Assembly since 1955.<sup>16</sup> The next important step in a Member's advance to political office occurs on election or polling day. What happens on that day is regulated by the Election Act, 1984,<sup>17</sup> which is administered by the Chief Election Officer and his or her staff. The intent of the legislation is to ensure that voting takes place under fair conditions and that there is no tampering with the results. The Act carefully sets out what procedures must be followed in enumerating electors and establishing polling stations, how ballots are to be created and marked, who can and cannot vote, what procedures are to be followed when election results are contested, what are corrupt practices and offences, and related matters.

Under our electoral system, the candidate with the most votes wins the seat. This is often referred to as the "first past the post" system, in contrast to other systems such as proportional representation, which allocates seats among parties and candidates on the basis of the percentage of votes gained.

Having won a seat in the Assembly, the new Member, upon taking the oath of allegiance, will then officially take his or her seat, on either the government or opposition side.

Ontario is one of the few provinces in which three political parties actively contest and win seats in the provincial Legislature, as the following table indicates.

## ONTARIO PROVINCIAL ELECTION RESULTS SINCE 1971

	Conservatives		Liberals		NDP	
	Seats	Vote	Seats	Vote	Seats	Vote
1971	78	45%	20	28%	19	27%
1975	51	36%	36	34%	38	29%
1977	58	40%	34	32%	33	28%
1981	70	44%	34	34%	21	21%
1985	52	37%	48	38%	25	24%
1987	16	24%	95	47%	19	25%
1990	20	23%	36	32%	74	37%

**Note: the vote percentages do not add up to 100% due to rounding and the exclusion from the table of other parties**

The table demonstrates that under the "first past the post" electoral system there is no necessary correlation between the percentage of votes a party receives in an election and the number of seats won. A party whose support is concentrated in a few ridings, or which is thinly spread across a large number, is not likely to win as many seats as its proportion of electoral support.

## THE ROLE OF THE LEGISLATURE

The principle task of legislatures is that of law-making. The Latin word *legis* is the genitive of *lex*, meaning law; *lator* means carrier or proposer. A *legislator* was thus one who proposed and enacted law. The identification of a law-making body, the legislature, as distinct from the body charged with the task of executing the laws once made (the executive), was central in the writings of early students of parliamentary government such as John Locke and Montesquieu. Under the norms of responsible government, however, in practice most laws originate with the executive (the cabinet), and are passed by the legislature after debate. As we shall see, while the opportunity does exist for ordinary Members of the Legislature not in the cabinet to introduce legislation, few private Members' bills ever become law. Under responsible government it is accepted political practice for the elected government of the day to claim the right, and the responsibility, to be the principal author of public legislation.



Another fundamental task of the Legislature is to provide the personnel of the executive. As already noted, under responsible government ministers of the Crown are expected to be Members of the Assembly. Moreover, when a political party comes to power it will invariably place its more experienced parliamentarians in the key positions in cabinet.

An important function of the Legislature is to legitimize government decisions. When the elected representatives of the people meet in the Legislature and debate the issues of the day, the Legislature thereby provides an outlet for the expression of the different points of view and the preoccupations and opinions of the electorate. A parliamentary debate on a government bill is usually a protracted affair in which Members explore every facet of the matter in question, and all the arguments that can be made for and against it. Such a process serves to forestall complaints from those who will be affected by the new law that their particular concern was not addressed by the legislators before voting on the measure.

Perhaps the most important responsibility of the contemporary Legislature is to provide a public forum in which the actions of the government can be examined and scrutinized. This scrutinizing function operates at two levels, corresponding to the two confrontations underlying all parliamentary business. The first, which is reflected in the very shape of the Chamber, is the confrontation between Government and Opposition. The Legislature is the principal forum from which the parties appeal to the voters for their support in the next provincial election. In this regard a well-known description of the British House of Commons is equally applicable to the Ontario Legislature: "Governing has now become a prolonged election campaign . . . [The Legislature] is the arena in which most of the continuous election campaign is fought."<sup>18</sup> The Government is obliged to defend everything it wants to do, and the Opposition is given the opportunity to criticize the Government and expound its own policies. This is a confrontation which is articulated in almost every parliamentary action of every Member in the House. In nearly everything they do or say, Ministers are speaking for or defending their administration and attacking the Opposition, while Opposition Members attack the Government and publicize their alternatives. The Opposition has a vested interest in scrutinizing the performance of the Government, for by so doing it can demonstrate to the electorate its own superiority as an alternate government.

The second confrontation is equally important, although less obviously manifested and usually less fiercely demonstrated. It is the historical confrontation between Parliament, answerable to the people, and the Executive, appointed by the Crown. The Legislature is expected closely to monitor how ministers spend public money and manage their departments, and ensure that the grievances of citizens are brought to the attention of the government. This task is exercised less by the parties in the Legislature than by ordinary backbenchers, who through their constituency work become highly knowledgeable about the impact of government policy on the community. In the Ontario Legislature this confrontation provides much of the material for Question Period, Members' Statements, Adjournment Motion debates, and Questions on the Order Paper.

On a day-to-day practical level, a Member's time will be split among attending to the business of the House, attending caucus and committee meetings, participating in various debates, and returning to his or her constituency to address the concerns, problems and grievances of constituents. Depending on personal inclination and political circumstances, some Members concentrate most of their attention on House matters while others focus on constituency problems, taking on something of an Ombudsman's role in the process.

### **KEY PLAYERS IN THE ASSEMBLY**

The Speaker of the Legislative Assembly presides over the Assembly's debates and is the guardian of Members' historical rights and privileges. The Speaker receives the title of 'Honourable,' and is fourth in official precedence behind the Lieutenant Governor, the Premier and the Chief Justice of Ontario. He or she has jurisdiction over the Legislative Precinct which consists of the Legislative Building and the first two floors of the Whitney Block where some Members have their offices.

Under the changes to the Standing Orders agreed to by the three party caucuses in 1989, henceforward the Speaker will be formally elected by the Members of the Assembly. This reform was modelled on a similar amendment to the Standing Orders of the Canadian House of Commons introduced in 1984. The House of Commons and the Ontario Legislature are the only parliaments in the Commonwealth to adopt such a procedure. It is designed to ensure that the Chair is occupied by a Member who has the support of his or her colleagues. Previously, the Government selected a candidate for the position, which the House then affirmed.



The Speaker acts in a nonpartisan capacity in upholding the Standing Orders, or rules of the Legislature. In this he or she is guided not only by the Standing Orders but also by previous decisions and interpretations of the Standing Orders made by his or her predecessors, and by the practices and procedures of other Westminster-style legislatures. The Speaker's interpretation of the Standing Orders is final and cannot be challenged by the Members. The Speaker can expel Members for not complying with the Standing Orders. He or she ensures the decorum of the Legislature and, through the Sergeant-at-Arms, protects the Chamber from demonstrations and other disturbances.

The Speaker is assisted in his or her presiding role by a Deputy Speaker and two Deputy Chairs of the Committee of the Whole. The Members who fill these positions are appointed by the House. The Deputy Speaker presides over the proceedings of the Assembly when the Speaker is absent, and serves as the Chair of the House when it sits as a Committee of the Whole. The Deputy Chairs support the Deputy Speaker in his or her role as Chair of the Committee of the Whole.

The Clerk of the Legislative Assembly and the Clerks Assistant provide procedural advice to the Speaker and to the Members. The Clerk and his or her assistants are responsible for recording the formal minutes of proceedings, which are printed in Votes and Proceedings, a formal document prepared daily as the record of the previous day's proceedings. The Table Clerks also prepare the Orders and Notices (commonly called the Order Paper) which can be described as the long-term agenda of the work the Legislature has before it. There is also a business paper which lists those matters that the Legislature will take up on a particular day.

The Clerk's Office also performs other duties. For example, it receives applications for private bills and ensures that they are processed in compliance with the Standing Orders. (Private bills, as opposed to public bills, deal with proposed legislation that will have restrictive rather than general or province-wide application). The Clerk's Office is also responsible for compiling the Journals of the Assembly, which are a record of what transpired in the Legislature over the course of one session. Moreover, each year the Office compiles an Interim and Final Status of Business Report, which includes information on legislation, the Estimates, committee orders of reference, speakers in the Throne and budget debates, sessional papers and resolutions considered by the Legislature.

Another key player in managing the affairs of the Legislature is the Government House Leader. This position is usually held by a senior member of cabinet. The Government House Leader's responsibilities include the daily ordering of House business. What bills will be called for second and third reading, what committee reports will be debated and when, are matters at the discretion of the Government House Leader.

In Ontario, the Government House Leader usually does not act alone on these matters. The two opposition parties also have their House Leaders who, in cooperation with the Government House Leader, schedule the daily business of the House. Meeting every Thursday morning, they decide the Legislature's business a week in advance, thereby giving all Members notice of what business will be conducted, so that appropriate preparations can be made.

Other important players in the management of the Legislature are each party's Whips. The Whips' principal function is to ensure that the members of their parties are in the House for all votes. The Whips also decide on the order of speakers in debate and are generally responsible for ensuring Members' attendance in the House and in the committees.

It is important to note that the party leaders play no direct role in the management of legislative business, although they are invariably consulted on important matters.

## **PARLIAMENTARY PROCEDURE**

Parliamentary procedure has been defined as "the mass of rules, practices and conventions"<sup>19</sup> by which the Legislature regulates its own proceedings. For a large deliberative assembly such as the Legislature, agreed upon procedures are necessary if business is to be transacted in an orderly manner. Procedure addresses itself to the difficult problem of how to get a large number of vocal, ambitious and partisan individuals to cooperate in the forming of decisions.

Parliamentary procedure in Ontario is derived from four sources: practice; the formal written rules of the Assembly, known as the Standing Orders; rulings by the Chair; and certain provisions of the Legislative Assembly Act. The basic principles of procedure in the Legislative Assembly (as in the Canadian House of Commons) are derived from British practice. Originally, the Standing Orders stated that in all unprovided or



controversial cases the House was to follow the rules and usages of the British Parliament. In 1929, however, the Ontario Legislature took an important step forward in the development of an indigenous parliamentary tradition when it agreed to amend the Standing Orders to specify that "in all contingencies unprovided for" the question should be decided by the Speaker with reference first, to "the usages and precedents" of the Legislature, and only secondly to British usage.<sup>20</sup> As Professor Schindeler put it in his Responsible Government in Ontario, "clearly, the apron strings were being cut when the ancient practice of the British House was made inferior to the sixty-one-year old practice of the provincial legislature."<sup>21</sup>

An essential characteristic of parliamentary procedure is its binding quality. It should have mandatory effect on those persons and parties to whom it applies, and it should be applied consistently on all relevant occasions. It must be certain and not arbitrary, so that those affected by it can anticipate the procedural consequences of pursuing any given course of parliamentary action. For this reason, where procedure is based on precedent rather than a written rule, such precedents should be followed consistently by those entrusted with its enforcement. Thus, the Speaker seeks to maintain a consistent pattern of decisions.

The most important rules are those which are essential if the Assembly is to accomplish any work at all. For example, if it is not to waste time, the Legislature must discuss something definite. It cannot afford time for general talk at the end of which the Chair somehow gathers 'the sense of the meeting', as is possible in small groups. In the Legislature no one can speak except to move or debate a definite motion or amendment. Further, not more than one question can be before the Legislature at any time.

Crucial to the success of any deliberative assembly is a temper of moderation and the spirit of fair play. These qualities are expressed in a number of rules and practices. For example, there is the rule that all speeches must be directed to the Chair, not to individual Members or to the House as whole; this rule is designed to discourage personal attacks by Members against each other. Another is that a Member must not be referred to by name but with reference to his or her constituency, and that language must be 'parliamentary'. Under the Standing Orders most substantive motions must be preceded by notice, to guard against surprise and attempts by the government to slip important business through the House before Members are aware of its impact.

## A TYPICAL DAY IN THE LEGISLATURE

The Legislature meets on Monday to Wednesday at 1:30 p.m., and on Thursday at 10:00 a.m. A sitting of the Legislature begins with the entrance of the Speaker, preceded by the Sergeant-at-Arms carrying the Mace, and followed by the Clerk and his or her assistants. After the Mace is placed at the head of the Clerk's Table, the Speaker reads the Prayers.<sup>22</sup>

The normal parliamentary day is divided into broad headings: Routine Proceedings and Orders of the Day. Routine Proceedings consists of the following:

- Members' Statements
- Statements by the Ministry and Responses
- Oral Questions
- Motions
- Petitions
- Reports by Committees
- Introduction of Bills

During Members' Statements up to three backbenchers from each party are recognized by the Speaker to make a short statement on some aspect of public policy. During Statements by the Ministry and Responses, cabinet ministers may make short statements announcing some government policy or action, followed by short comments in response by representatives of the opposition parties. The Ministers' Statements may take up no more than 20 minutes, while the Responses may consume a total of five minutes.

Oral Questions (commonly known as Question Period) is the centerpiece of the parliamentary day; in the Ontario Legislature it lasts for 60 minutes. Question Period in the Ontario Legislature, to a degree unusual in Canada, is dominated by the party leaders. The Standing Orders specify that questions start with two from the Leader of the Opposition, followed by two from the leader of the third party. Each leader is granted two supplementaries by the Speaker. Then questioning proceeds in rotation among the parties. Backbenchers tend to be granted one supplementary to their initial question. Moreover, leaders' questions and supplementaries tend to be longer than



their backbenchers'. Under this format, not surprisingly, the party leaders consume a significantly large proportion of the time available in Question Period. Nevertheless, Question Period is the single most important forum for backbenchers in the Legislature. It provides them with the opportunity to query freely the Premier and the cabinet about any aspect of public policy in Ontario.

Ministers, however, do not have to answer any question posed by a Member. In practice they usually do respond, though a minister cannot be compelled to give an answer that will be satisfactory to the Member asking it. When a Member feels that a response was inadequate, he or she can raise the matter at the end of the day's sitting on Tuesday and Thursday during the debate on the motion to adjourn. A member has up to five minutes to speak and the minister or his or her parliamentary assistant up to five minutes to respond. The adjournment motion debate can take up to 30 minutes.<sup>23</sup>

After Question Period comes Routine Motions, when technical or administrative motions are introduced, such as motions setting the time the House will meet, the adjournment of the House, variations in the routine of House business, changes in the membership of committees, and other similar non-substantive matters.

The next item is the presentation of Petitions, when Members can present petitions from their constituents addressed to the Legislature. Petitions, as the name suggests, request the government to take some action or reverse its position on some controversial question of public policy. Petitions are not debated by the House, although the government is required to respond to them in eight sessional days.

Taken up next are reports from committees. When standing or select committees report on bills their reports must be dealt with by the Legislature immediately. In other cases there are three methods by which a committee report is brought to the attention of the Legislature. A report can be presented with a brief statement by the Chair of the committee (or some other Member of the committee agreed upon by its Members). When a report includes a request for consideration by the Legislature, or when such consideration is requested by a petition of 12 Members filed with the Clerk, a government order is placed on the Order and Notices paper for consideration by the Legislature at some future date. Alternatively the Chair can move the adoption of the report if it contains a substantive motion, offer a brief explanation of its contents, and then adjourn the debate. The adjourned debate is then carried on the Order and

Notices paper for consideration at some future date. If the committee so requests, the government must respond to the report within 120 calendar days.<sup>24</sup>

The last item considered during Routine Proceedings is the Introduction of Bills. This is the point at which all bills, whether government, private Members' public or private bills, are introduced. The Member stands in his or her place and asks leave of the House to introduce a bill and have it read a first time.

At the end of Routine Proceedings the Assembly takes up its main work under the rubric of Orders of the Day. The Government House Leader will have previously indicated which items from among those listed on the Order Paper will be considered. The Orders of the Day typically could include such matters as the second or third readings of a bill or the resumption of the adjourned debate on the Speech from the Throne, the budget, or a committee report.

The following table shows how the parliamentary time available under Orders of the Day was spent in the 34th Parliament.

## TABLE ONE

### Highlights of the Legislature's Schedule

#### First Session of the 34th Parliament (3 November 1987 to 2 March 1989)

Sessional Days	156
Days on which Government bills* and motions were considered	95
Days spent on the Throne Speech	9
Days spent on the Budget	11
Emergency Debates	10
Days spent debating non-confidence motions	5
Days spent debating the estimates	14
Days on which motions for interim supply or concurrence in supply were debated	13

\* At second reading, in committee of the whole or at third reading.

**Note:** More than one item can be considered in a sessional day. On some days the time available is completely consumed by Routine Proceedings and business arising therefrom, such as consideration of questions of privilege.



**Second Session of the 34th Parliament  
(25 April 1989 to 28 June 1990)**

Sessional Days	142
Days on which Government bills or motions were considered	80
Days spent on the Throne Speech	9
Days spent on the Budget	13
Emergency Debates	3
Days spent debating non-confidence motions	4
Opposition Days	9
Days on which motions for interim supply or concurrence in supply were debated	7

**Note:** There were two budgets in the second session. The changes in categories for the second session reflect the reforms to the Standing Orders implemented in July 1989.

The information presented in this table demonstrates how the Government controls the time of the Legislature. Under Orders of the Day most sessional days are spent considering the cabinet's agenda, whether it be a bill or motion, the contents of the Throne Speech, or the budget. The days spent on issues and priorities chosen by the opposition, either by means of an emergency debate on an item chosen by an opposition Member, by a motion of non-confidence on grounds framed by one of the opposition parties, or on an Opposition Day when the topic under discussion is chosen by one of the opposition parties, is minimal. In the first session of the 34th Parliament, the agenda was controlled by the opposition parties by these means on only 15 days; in the second session, on 16.

### **SOME IMPORTANT LEGISLATIVE PROCEEDINGS**

This section describes three of the most important proceedings which occur every parliamentary session.

#### **The Debate on the Speech from the Throne**

At the beginning of each session of the Ontario Legislature, the Lieutenant Governor reads the Speech from the Throne, which contains the government's policies and programs for the upcoming session.<sup>25</sup>

Under the Standing Orders six sessional days are allotted for the debate on the Throne Speech. This debate provides the opposition parties with an opportunity to assess critically the government's proposals. The failure of the motion for an Address in Reply to the Speech from the Throne to carry or the success of an opposition amendment to it constitutes a vote of non-confidence in the government.

### **The Budget Debate**

Under the Standing Orders the Treasurer of Ontario introduces his or her budget after the conclusion of the debate on the Speech from the Throne.<sup>26</sup> At the end of the budget speech the Treasurer moves a motion along these lines: "That this House approves in general the budgetary policy of the Government." Passage of this motion is considered a question of confidence in the government. The budget consists of the government's proposed expenditures and revenues. It contains estimates of how much money will be required to fund the various programs and policies administered by the government and, at the same time, the Treasurer's plans for raising the money to pay for these programs. Unlike the debate on the Throne Speech, no fixed number of sessional days are allotted for the debate on the Treasurer's motion. The budget debate proceeds until all Members who wish to participate have spoken.

Under the Standing Orders the government is required to present the details of its proposed expenditures to the Legislature no later than five sessional days after the presentation of the budget. These proposals are formally known as the Estimates, and consist of several books containing breakdowns of each ministry's proposed expenditures by program. The main Estimates must be presented to the Legislature within five sessional days following the presentation of the budget. Under the changes to the Standing Orders agreed to by the House in the summer of 1989, the Estimates are referred to the legislative committee known as the Standing Committee on Estimates. (Any supplementary Estimates are also referred to the Committee after they are presented to the House). This Committee must consider the estimates of between six and 12 ministries and offices. The Estimates the Committee will consider are chosen in two rounds by the parties represented on the Committee, with the Official Opposition having the first choice, the other opposition party the second, and the government party the third in each round. Each selection, of no more than two ministries or offices, receives up to 15 hours of consideration by the Committee. All of the estimates not selected for consideration by the Committee are "deemed" to have



been passed and reported by the Committee and concurred in by the House. The Committee must complete its consideration of the Estimates and report to the House by the third Thursday in November. If the Committee fails to do this, the Estimates will be deemed to have been passed and reported by the Committee and concurred in by the House.

For each of the Estimates reported from the Committee, an Order of Concurrence is placed on the Order Paper. These Orders are debated in the Legislature for a maximum of six hours, at the end of which the Speaker puts every question necessary to dispose of the Order for Concurrence in Supply for each of the Estimates the Committee has examined.

### **Opposition Days**

Under the changes to the Standing Orders of 1989, every calendar year ten sessional days are set aside as Opposition Days.<sup>27</sup> They are distributed among the opposition parties in proportion to their representation in the Legislature. On such a Day the opposition moves and debates a motion (for which there must be prior notice) attacking the government for its conduct of some aspect of public policy. Such a debate ends in a vote, which is not considered a question of confidence. Opposition Days can take place in Committee of the Whole, which allows for a somewhat more informal atmosphere and enables Members to put questions directly to ministers.

## **HOW BILLS ARE PASSED**

A bill becomes law by receiving three readings in the Legislature and then Royal Assent. Whether the law goes into force at the time of Royal Assent or at some subsequent time depends on the provisions of the law itself. There are two types of bills: the public bill, which deals with matters having general applicability to all Ontario citizens (for example, a bill changing the status of business corporations in the province), and the private bill, which has merely local or specific applicability (for example, a bill dealing with a particular corporation). Although private bills also have to receive three readings before they become law, they otherwise follow a separate set of procedures from public bills.

Public bills can be further subdivided into government public bills and private Members' public bills. The former are introduced by ministers. It is a basic principle

of responsible government that only a minister of the Crown can introduce public bills which require the spending of public money. Private Members' bills, as the name suggests, are bills introduced by ordinary Members--that is, not members of the cabinet. These can be on any matter, save that they cannot require the spending of public money. However, very few private Members' bills are passed.

A public bill is introduced and read a first time during Routine Proceedings. There is no debate on the bill at this time. The bill is then placed on the Order Paper. The bill can then be called for second reading at the discretion of the Government House Leader. How quickly a bill will be called for second reading depends on factors such as the importance of the bill in relation to others which are pending and the opposition's likely reaction to the bill.

When a public bill is called for second reading, debate takes place on its principle. No amendments can be moved at this point.<sup>28</sup> After second reading a bill will ordinarily be referred to a committee, either to the Committee of the Whole House or to a standing committee. It is at the committee stage that amendments to the bill can be moved. If the referral is to the Committee of the Whole House, there is no opportunity for public submissions; if the referral is to a standing committee, witnesses can be invited and submissions made.

After completing its clause-by-clause review the committee will report the bill back to the Legislature. At this point the bill can be directly ordered for third reading by the Legislature, or it can be referred to the Committee of the Whole House where further amendments can be made.

After this stage comes third reading, when debate on the bill must be directed to its principles. After a bill has received third reading, it is assented to by the Lieutenant Governor who, in his or her capacity as the Queen's representative, must assent to all bills before they can become law.

The following table shows the success rate of government bills in the 33rd and 34th Parliaments.



**TABLE TWO****33rd Parliament (1985-1987)**

	<u>Introduced</u>	<u>Passed</u>	<u>Success Rate</u>
1st Session (2 May 1985- 12 February 1986)	68	39	57.3%
2nd Session (22 April 1986- 12 February 1987)	123*	71	57.7%
3rd Session (28 April 1987- 31 July 1987)	51	19**	37.2%

\* Includes 13 which were introduced in the second session and carried over into the third session.

\*\* Includes 7 which were introduced in the second session.

**34th Parliament (1987-1990)**

	<u>Introduced</u>	<u>Passed</u>	<u>Success Rate</u>
1st Session (3 November 1987- 2 March 1989)	126*	94	74.6%
2nd Session (25 April 1989- 28 June 1990)	125	89**	71.1%

\* Includes 26 which were introduced in the first session and carried over into the second session.

\*\* Includes 20 which were introduced in the first session.

The table indicates that when the cabinet has a majority in the Legislature it can expect to see most of its legislation approved by the Legislature. In the 33rd Parliament the Liberal Government commanded only a minority of seats.

**COMMITTEES OF THE LEGISLATURE**

In the Ontario Legislature a great deal of the work of the House is delegated to committees. There are 11 Standing Committees. Four of these--the Administration of

Justice, General Government, Resources Development and Social Development Committees--are grouped so to correspond to four general areas of policy. When a Committee does consider a public bill after second reading it is usually one of these four. These Committees also engage in special studies on matters referred to them by the Legislature. The sub-committees of each of these Committees, which are composed of Members representing each party, have the power to designate a subject the full Committee must consider. Such a designation must relate to the mandate of any of the ministries, agencies, boards and commissions of the government of Ontario assigned to the Committee under the Standing Orders. The Committee can consider such an item for up to 12 hours.<sup>29</sup>

As already discussed, the Standing Committee on Estimates reviews the government's expenditure Estimates. The Standing Committee on Finance and Economic Affairs deals generally with the fiscal and economic policies of the province as well as the Treasurer's budget papers. The Standing Committee on Government Agencies reviews the operation of the agencies, boards and commissions of the government of Ontario. The Standing Committee on the Ombudsman reviews the annual reports of the Ombudsman and formulates general rules for his or her guidance. The Standing Committee on the Legislative Assembly has a general mandate to review the Standing Orders of the Assembly, to advise the Speaker on the administration of the House and the provision of services and facilities to Members, and to act as an advisory body regarding the televising of legislative proceedings. The Standing Committee on Public Accounts reviews the reports of the Provincial Auditor and the Public Accounts of the government of Ontario. This Committee is one of the principal parliamentary vehicles for ensuring the accountability of the government to the Legislature with respect to the administration of the province's finances. Finally, there is the Standing Committee on Regulations and Private Bills. Most private bills are referred to this Committee for consideration after first reading. This Committee also scrutinizes the regulations that are issued pursuant to a statute in light of criteria set out in the Standing Orders.<sup>30</sup>

In addition to Standing Committees, from time to time the Legislature will also create select committees. These are created for a specific purpose, usually to study a particular topic in considerable detail, and cease to exist once they have finished their work and reported to the Legislature. Select committees usually sit between sessions in order not to draw Members away from the work of the Standing Committees.<sup>31</sup>



Under the Standing Orders committees consist of up to 11 Members, with each party represented in proportion to its strength in the House. Moreover, the chairs of committees are assigned in proportion to the parties' representation. There are three exceptions. Under the Standing Orders the Standing Committee on Estimates must be chaired by an opposition Member, the Standing Committee on Finance and Economic Affairs by a government Member, and the Standing Committee on Public Accounts by a Member belonging to the Official Opposition.<sup>32</sup>

In pursuing their functions all committees have the power to send for "persons, papers and things"<sup>33</sup>--that is, committees have the power to summon anyone they think will help them in their work, and to ask for any document or other material. In most circumstances they do not take a heavy-handed approach; instead, they usually seek to elicit the voluntary cooperation of witnesses.

### PARLIAMENTARY PRIVILEGE

Parliamentary privilege grants special rights to Members of the Legislature which ordinary citizens do not enjoy. The classic definition from Erskine May reads as follows. Parliamentary privilege is

the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals.<sup>34</sup>

Whenever any of these rights is disregarded or attacked, the offence is called a breach of privilege and is punishable by the Legislature. Westminster style legislatures also claim the right to punish actions which obstruct or impede it in the performance of its functions.<sup>35</sup> An example of such an action would be an attempt to threaten or intimidate a Member in order to influence his or her vote.

At the beginning of each Parliament following upon his or her election and the entry of the Lieutenant Governor, the Speaker addresses His or Her Honour and claims on behalf of Members

all their undoubted rights and privileges, especially that they have freedom of speech in their debates, access to your person at all seasonable times, and that their proceedings may receive from you the most favourable construction.<sup>36</sup>

In practical terms the most important privilege claimed by the Speaker on behalf of Members is freedom of speech. Other principal privileges are freedom of Members from arrest, from any attempt to obstruct their access to the Chamber, and the right of the Legislative Assembly to regulate its own proceedings. It is broadly recognized that without a guarantee of freedoms or rights such as these Members individually and collectively would be severely handicapped in the performance of their parliamentary functions.

In Ontario many of the classic categories of parliamentary privilege are codified in the Legislative Assembly Act.<sup>37</sup> This is supplemented by Speakers' rulings, precedents drawn from other parliamentary jurisdictions such as the Canadian House of Commons and Westminster, and learned texts such as Erskine May and Beauchesne.<sup>38</sup>

Under the Standing Orders, a Member who feels that his or her privileges have been breached must bring the matter to the attention of the Legislature as soon as possible, where it will be taken into consideration immediately. After the Member has risen and briefly outlined the facts of the case at hand and explained why these constitute a breach of privilege, the Speaker must decide whether a *prima facie* or arguable case does in fact exist. It must be emphasized that it is not the task of the Speaker to determine the merits of the issue; this responsibility lies with the Legislature itself.<sup>39</sup> If the Speaker does find that the Member has raised a plausible breach of privilege, it is incumbent on the Member to move that the matter be referred to the Standing Committee on the Legislative Assembly for consideration.

The following table shows the total number of privilege cases considered by the Legislature in the last decade.



TABLE FOUR

## Committee Reports on Privilege 1980-1990

Title	Date	Subject Matter	Principal Recommendation
Report of the matter of Privilege relating to the Action taken by the Canadian Imperial Bank of Commerce against the Members for Riverdale.	Jan. 1986	Whether Bank's cancelling of MPP's accounts because of his political activity constituted a breach of privilege.	No breach, though Bank's action was ill-advised.
Report on the Premature Disclosure of the Interim Report of the Select Committee on Economic Affairs.	Jan. 1986	Whether "leaking" of Committee Report constituted a breach of privilege.	A breach did occur. But source of leak cannot be identified so no action should be taken.
Report on the Matter of Privilege relating to the Premature Release of the Confidential Draft Material of the Select Committee on Energy.	Jan. 1986	Whether "leaking" of draft material from Committee Report constituted a breach of privilege.	No breach.
Report on the Premature Disclosure of the Draft Report of the Select Committee on Energy.	Nov. 1986	Whether "leaking" of the Committee Report constituted a breach of privilege.	No conclusion drawn about whether a breach did occur. However, premature disclosure (where it could be established), was a breach not to be taken lightly.
Report on the Service of Process on the Member for Brantford within the Precincts of House.	April 1987	Whether service of legal process on MPP during Committee proceedings constituted a breach of privilege.	A breach did occur. No action should be taken, but relevant section of the <u>Legislative Assembly Act</u> should be clarified to prevent a similar breach occurring again.
Report on Harassing & Abusive Telephone Calls to the Chairman of the Standing Committee on Resources Development.	June 1987	Whether abusive phone calls to chair of Committee regarding a bill before the Committee constituted a breach of privilege.	No conclusion drawn because bill had been reported to House. However, threats to Members did constitute a breach of privilege.

Genuine breaches of parliamentary privilege are relatively rare. Moreover, in their reports to the Legislature which found that a breach had occurred, the Standing Committee was reluctant to recommend that the Legislature exercise its penal jurisdiction and punish the offenders. Westminster style legislatures generally are conscious of the fact that privilege confers upon their Members rights and immunities ordinary citizens do not enjoy, and usually avoid generous interpretations of the law of privilege which might provoke resentment among the electorate.<sup>40</sup>

Nevertheless, Members have a responsibility to raise a question of privilege where a legitimate case exists. It is beholden on them to defend the privileges of their colleagues and the House as a corporate institution whatever their personal views of the merit of the privilege at stake. On occasion Members have been chided for waiving their rights as a representative or failing to defend them conscientiously.<sup>41</sup>

### **THE STRUCTURE AND ORGANIZATION OF THE OFFICE OF THE ASSEMBLY**

After a Member has been elected he or she will soon have to become familiar with the administrative and political dimensions of life in the Legislature. This section of the paper deals with the administrative side of the Legislative Assembly of Ontario.<sup>42</sup>

As is fitting under a system of responsible government whereby the executive is accountable to the legislature, the Office of the Assembly is separate and distinct from the Government of Ontario. The Office hires its own staff, formulates its own administrative policies and controls its own budget. The head of the Office is the Speaker of the Legislature.

The Speaker chairs the Board of Internal Economy, which is responsible for the financial and administrative management of the Assembly. In addition to the Speaker, the Board is composed of three cabinet ministers and one Member from each of the three party caucuses. It does not report to the Legislative Assembly though the minutes of its meetings are made public.

The Board scrutinizes and authorizes the estimates of the Office of the Assembly. The Office is funded by revenue transferred by the Treasurer to an account known as the Legislative Assembly Fund. The Speaker is formally responsible for all disbursements from this fund.



The Board also scrutinizes the financial estimates of those offices which serve the Members of the Legislature. Those offices are:

- the Office of the Chief Election Officer;
- the Office of the Commission on Election Finances.
- the Office of the Conflict of Interest Commissioner;
- the Office of the Information and Privacy Commissioner;
- the Office of the Ombudsman; and
- the Office of the Provincial Auditor;

Once the estimates are approved by the Board, they are sent to the Treasurer for inclusion in the Government Estimates tabled in the Legislature by the Treasurer.

Subject to the approval of the Board of Internal Economy, the Speaker is responsible for the terms and conditions of all employees of the Office of the Assembly, including their job classifications and benefits. Employees of the Office, as well as the political staff hired by Members and the party caucuses, are not members of the Ontario Public Service. However, in formulating policies for the Office's employees and the political staff the Human Resources Branch of the Office of the Assembly takes into consideration the salary levels, classifications and benefits offered in the Ontario Public Service.

Among the other responsibilities of the Board are the following:

- to approve the organization and administrative policies of the Office of the Assembly;
- to advise and give direction on any matter the Board considers necessary for the operation of the Office of the Assembly;
- to determine the allowances of the party caucuses;
- to establish and review all matters related to indemnities, allowances and services for the Members of the Legislature; and
- to approve actions taken by the Speaker regarding matters affecting Assembly employees.

The Clerk of the Legislative Assembly is the principal officer of the House. He or she is appointed by the Lieutenant Governor in Council (the cabinet) at the request of the Speaker acting on the recommendation of the Standing Committee on the Legislative Assembly. The Clerk chairs the Management Advisory Committee, whose other members are the Executive Director of the Legislative Library, the Executive Director of Assembly Services, the Controller and, *ex officio*, the Speaker. The Committee reviews all matters relating to the Office of the Assembly for the consideration of the Board of Internal Economy. The Clerk is responsible for reporting the recommendations of the Management Advisory Committee to the Board and for ensuring that the directives of the Board are carried out.

Another important officer of the Assembly is the Sergeant-at-Arms whose ceremonial duties include attending the Speaker with the Mace on entering and leaving the Legislative Chamber. While the House is in session, he or she enforces security in the Chamber and the Legislative Building. The Sergeant-at-Arms is also responsible for the safe-keeping of the Mace and the furniture and fittings of the House and the committee rooms.

### **SUPPORT SERVICES FOR MEMBERS**

The Members of the Legislative Assembly are provided with a range of services to assist them in their duties as legislators and representatives of their constituents.

All Members are provided with a global staff allowance which covers the cost of the staff hired by them to work in either their Queen's Park or constituency offices. The terms and conditions of their employment are determined by the Board of Internal Economy. Each Member receives an office in the Legislative Building or nearby with the appropriate furnishings, paid for by the Office of the Assembly. The Office also pays for the Members' postal and telephone charges. Each Member is entitled to financial support for his or her constituency offices.

Each Member is allowed three constituency newsletters per year, paid for by the Office of the Assembly. These mailings are intended to give Members a forum for informing their constituents about provincial politics; however, their content must be non-partisan in nature.



The Office of the Assembly also provides funding for the parties' caucus research staff and their leaders' support staff. Money is allocated on the basis of caucus size.

The Clerk of the Legislative Assembly is the principal authority on the law, practices and privileges of the Legislative Assembly. The advice of the Clerk and Clerks Assistant on these matters is available not only to the Speaker and other presiding officers, but also to all Members of the Legislature. The committee Clerks are responsible for providing procedural and administrative support to the standing and select committees and for providing advice to the Members on questions of procedure affecting the committees. Each committee Clerk is responsible for the overall administrative operation of the committee, including advising Members of the committee on its agenda, arranging for the attendance of witnesses, preparing the budget, and monitoring the annual financial requirements of a committee.

Another important service provided by the Office of the Assembly is the Hansard Reporting Service. Headed by the Editor of Debates, the service provides the Province of Ontario with the official record of proceedings of the Legislative Assembly. Proceedings of all sittings of the House and all meetings of committees (unless otherwise ordered by a committee) are included in the official Hansard. Copies of Hansard are distributed to Members and employees of the Assembly and the staff of the party caucuses. They are also distributed free to the media, various libraries, and post-secondary educational institutions.

The Legislative Library is a further important resource for Members of the Assembly. The Library provides information, reference and research services to the Members and their staff, as well as to senior officers of the Assembly. The Library has extensive holdings of books, periodicals, newspapers, government publications, reports, microforms, press clippings and computer databases, and employs a large professional staff. The Executive Director of the Legislative Library is a senior officer of the Office of the Assembly and a member of the Management Advisory Committee.

The Legislative Research Service is a branch of the Legislative Library. It provides objective and nonpartisan research analysis to individual Members on request and to committees of the Assembly. The Service is staffed by research officers with general and specialized expertise in the social sciences, public administration, law, and regional and environmental planning.

The offices of the Executive Director of Assembly Services and the Controller provide the Members of the Legislative Assembly with a wide variety of personal and administrative services, such as the Parliamentary Public Relations Office, security in the Legislative Building, building maintenance, and the financial administration of the Assembly.

Members of the Assembly also have available to them the services of the legislative drafters in the Office of the Legislative Counsel. Though the senior legislative counsel and his staff are employees of the Ministry of the Attorney-General and not the Office of the Assembly, the Standing Orders of the Legislature require them to provide confidential assistance to Members, primarily in the drafting of private Members' bills, and to the committees of the Assembly.

In addition to the above, a number of other services funded by the Office of the Assembly are available to Members. These include French language training, translation services, dining facilities in the Legislative Building, a barber shop, and a mail room. The Ministry of Government Services coordinates the use of a media studio in the Legislative Building which Members can use to tape broadcasts for distribution to local radio and television outlets.



## FOOTNOTES

<sup>1</sup>For a more detailed analysis of the Ontario Legislature see Graham White, The Ontario Legislature: A Political Analysis (Toronto: University of Toronto Press, 1989).

<sup>2</sup>Desmond Morton, "Introduction: People and Politics of Ontario," in Government and Politics of Ontario, ed. Donald C. MacDonald (Toronto: MacMillan, 1975), p. 1.

<sup>3</sup>Cited in John Griffith, "The Political Constitution," The Modern Law Review 42:1 (1979) : 1.

<sup>4</sup>Constitution Act, 1867 (U.K.), 30 & 31 Vic., c. 3.

<sup>5</sup>See the discussion in W.H. McConnell, Commentary on the British North America Act (Toronto: Macmillan, 1977), chapter five.

<sup>6</sup>Hodge v. The Queen (1883), 9 App. Cas. 117, at 132.

<sup>7</sup>McConnell, p. 120.

<sup>8</sup>Constitution Act, 1982, as enacted by the Canada Act 1982 (U.K.), 1982, c. 11.

<sup>9</sup>*Ibid.*, ss. 3-5.

<sup>10</sup>*Ibid.*, s. 45.

<sup>11</sup>Legislative Assembly Act, R.S.O. 1980, c. 235.

<sup>12</sup>See, e.g., Re Resolution to Amend the Constitution [1981] 1 S.C.R. 753.

<sup>13</sup>The following paragraphs on responsible government draw on Peter W. Hogg, "Responsible Government," in The Canadian Political Tradition, eds. R.S. Blair and J.T. MacLeod (Toronto: Methuen, 1977), pp. 17-41.

<sup>14</sup>Representation Act, 1986, S.O. 1986, c. 30.

<sup>15</sup>Election Finances Act, 1986, S.O. 1986, c. 33.

<sup>16</sup>The last member who did not belong to one of the three principal parties was a Communist, Joe Salsberg, who represented the downtown Toronto riding of St. Andrew from 1943 to 1955, when he was defeated by a Conservative, Allan Grossman.

<sup>17</sup>Election Act, 1984, S.O. 1984, c. 54 as amended by S.O. 1986, c. 33, s. 59 and S.O. 1986, c. 64, s. 13.

<sup>18</sup>Bernard Crick, The Reform of Parliament (London: Weinfeld and Nicolson, 1968), p. 26.

<sup>19</sup>Gilbert Campion, An Introduction to the Procedure of the House of Commons, 3rd ed. (London: Macmillan, 1958), p. 1.

<sup>20</sup>Quoted in F.F. Schindeler, Responsible Government in Ontario (Toronto: University of Toronto Press, 1969), p. 139.

<sup>21</sup>*Ibid.*, p. 138.

<sup>22</sup>Ontario, Office of the Clerk of the Legislative Assembly, Standing Orders of the Legislative Assembly (Toronto: The Office, October 1989), Standing Order 8 (a)-(c). On Thursday the House meets at 10 a.m. to consider private Members' public business.

<sup>23</sup>Standing Order 33.

<sup>24</sup>Standing Order 36.

<sup>25</sup>See Standing Order 40.

<sup>26</sup>Standing Order 55 (a).

<sup>27</sup>Standing Order 41.

<sup>28</sup>Under Standing Order 68(a) a reasoned amendment or a hoist motion can be offered to a motion for second reading. This, however, occurs rarely.

<sup>29</sup>For committees generally see Standing Orders of the Legislative Assembly, chapter 20.

<sup>30</sup>Standing Order 104(k).

<sup>31</sup>Standing Orders 105-108.

<sup>32</sup>Standing Order 112(b).

<sup>33</sup>Standing Order 105(b).

<sup>34</sup>C.J. Boulton, ed., Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament, 21st ed. (London: Butterworths, 1989), p. 69.

<sup>35</sup>*Ibid.*

<sup>36</sup>Ontario, Legislative Assembly, Votes and Proceedings, 34th Parliament, 1st Session (3 November 1987): 6-7.

<sup>37</sup>Legislative Assembly Act, R.S.O. 1980, c. 235, ss. 36-39, 45.

<sup>38</sup>C.J. Boulton; and Alistair Fraser, W.F. Dawson, John A. Holtby, eds., Beauchesne's Rules and Forms of the House of Commons of Canada, 6th ed. (Toronto: Carswell, 1989).

<sup>39</sup>See, e.g., the ruling by Mr. Speaker in Hansard: Official Report of Debates, 33rd Parliament, 1st Session (10 December 1985): 2287.



<sup>40</sup>See the discussion in: Ontario, Legislative Assembly, Standing Committee on Procedural Affairs, Report on the Matter of Privilege relating to the Action taken by the Canadian Imperial Bank of Commerce against the Member for Riverdale (Toronto: The Committee, 1986), pp. 4-11. This Committee was the predecessor to the Standing Committee on the Legislative Assembly.

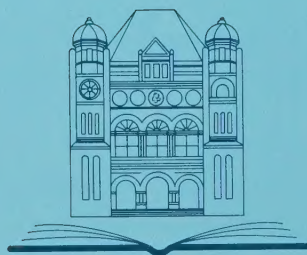
<sup>41</sup>See, e.g., Ontario, Legislative Assembly, Standing Committee on the Legislative Assembly, Report on the Service of Process on the Member for Brantford within the Precincts of the House (Toronto: The Committee, 1987), p. 9.

<sup>42</sup>The organizational structure of the Office and the duties and responsibilities of the various Officers of the Assembly are detailed in Ontario, Legislative Assembly, Office of the Assembly, Manual of Administration, 3 vols. (Toronto: The Office, 1985); and Office of the Assembly, Human Resources Branch, Guide to Members' Allowances and Services and Members' Support and Caucus Staff (Toronto: The Office, 1989).

















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